

**Councilmembers: Please bring your copies of the October 27 worksession packet, as well as the Growth Policy document "Reducing Our Footprint" and its Technical Appendix.**

**MEMORANDUM**

October 30, 2009

TO: County Council

FROM: <sup>GO</sup> Glenn Orlin, Deputy Council Staff Director  
<sup>MF</sup> Michael Faden, Senior Legislative Attorney

SUBJECT: **Worksession 2: 2009-2011 Growth Policy**

During this worksession the Council will take straw votes on proposed revisions to be incorporated into 2009-2011 Growth Policy. Before taking these votes, the Council should review and discuss three follow-up issues.

**School test.** On October 28 the MCPS Superintendent published his request for the FY11-16 Capital Improvements Program, which includes new enrollment forecasts. Council staff asked MCPS to prepare a table comparing — by cluster and level — enrollment forecasted for August 2015 to program capacity in August 2015, assuming full funding of the Superintendent's request. (Since the Board of Education will not make its recommendation for another month, this is the best proxy for the BOE's request.) If the capacity assumption is correct, this comparison shows the result of next July's School Test assessment.

MCPS' comparison on ©1-2 shows that, using the 120% threshold, only the Richard Montgomery Cluster will be in moratorium. With a 110% threshold for the School Facilities Payment (SFP), development in 6 cluster-levels will make the payment: Northwest, Northwood, Quince Orchard, and Rockville (all at the ES level) and B-CC and Richard Montgomery (at the MS level). With a 105% threshold for the SFP, development in 11 cluster-levels will make the payment: the 6 mentioned above plus B-CC and Paint Branch (at the ES level), Northwest and Whitman (at the MS level), and Wootton (at the HS level).

**PAMR mitigation.** At the October 27 worksession, Councilmember Trachtenberg asked how many projects would be affected by the various PAMR proposals under consideration (©3). The Planning staff cannot respond directly to her request because they cannot predict which project applications they will receive and in which policy areas. However, they did provide another type of comparison, answering this question:

Under each option, how much mitigation revenue (or value) *would* have been collected if the mitigation percentage requirements and the \$11,000/trip Transportation Mitigation Payment (TMP) had been in effect on developments in the 2½-year period between January 2007 and June 2009?

The table on ©4 shows the resulting calculations. As expected, the tighter the test, the more mitigation that would have been required. Forecasting forward over the next year — assuming PAMR is replaced in that time-frame — then, if development applications were submitted at the same pace and geographic distribution as in the previous 2½ years, each option would generate 40% of the values shown on ©4.

***Definition of Level of Service ‘E’ under Relative Arterial Mobility.*** Councilmember Elrich asked Planning staff to provide its rationale that Level of Service E should be defined as where congested arterial speed is between 25-40% of free flow speed. Planning staff produced a chart prepared by Dr. Winick in 2007 when they developed the PAMR ranges that the Council ultimately approved (see ©5). The chart, with data derived from the Highway Capacity Manual, shows different breaks between levels of service depending on the classification of the arterial:

- Class I: typical free-flow speed is 50 mph
- Class II: typical free-flow speed is 40 mph
- Class III: typical free-flow speed is 35 mph
- Class IV: typical free-flow speed is 30 mph

There are few Class I arterials in this County. The best example is the upper part of US 29 in Fairland. Most arterials are either Class II, III, or IV.

When Planning staff developed the ranges for Relative Arterial Mobility, they used the information from this chart. Scanning the chart, they found that the level of service break points seemed to occur at 15% intervals: 85% between A and B, 70% between B and C, 55% between C and D, and 40% between D and E. They extrapolated the 15% interval between E and F, showing the break-point to be 25%, although one could argue that the break-point should be 30%. Whichever is selected, however, would not affect the PAMR mitigation results in the options before the Council.

### **Issues already discussed**

For each issue, the Planning, Housing, and Economic Development (PHED) Committee’s recommendations are in **bold**, and other options discussed by the Council are in *italics*.

#### **I. Public School Adequacy Test**

1. ***Calculation of moratorium and School Facility Payment (SFP) thresholds.*** The Committee unanimously recommended that enrollment-to-capacity ratios should not be rounded to the nearest percent; therefore, the Northwest HS Cluster should be placed in moratorium because of a shortfall in ES capacity. Council staff concurs.

#### **Alternative:**

- *Continue to round the ratios to the nearest percent, keeping the Northwest HS Cluster from going into moratorium.*

**2. Moratorium threshold.** The Committee unanimously recommended retaining the 120% threshold. This reflects views of the Planning Board, County Executive, Board of Education, MCCPTA, MCCF, several PTAs and civic organizations, and Council staff.

Alternative:

- *Raise the threshold to 135%.* This was recommended by the County Chamber of Commerce and MNCBIA.

**3. A mid-cycle school adequacy assessment.** The Committee unanimously agreed to allow this in FY 2010. Together with passage of 'solution' PDFs introduced by the Council on October 27, this could bring up to four clusters out of moratorium by December.

Alternative:

- *Do not approve any 'solution' PDF's.* This is the Executive's position.

**4. School Facility Payment (SFP) threshold.** Councilmembers Knapp and Floreen recommended raising the threshold from 105% to 110%. This is supported by the BOE, the Planning Board, and Council staff.

Alternative:

- *Keep the SFP threshold at 105%.* This is supported by Councilmember Elrich, the Executive, MCCPTA, MCCF, and several individual PTAs and civic organizations.

**5. Grandfathering development applications submitted within 12 months before a moratorium.** The Committee unanimously recommended not allowing grandfathering, since the 'solution' PDFs would bring these areas out of moratorium. Grandfathering is not supported by MCCPTA, MCCF, several PTAs and civic organizations, and Council staff.

Alternative:

- *Approve the grandfathering provision.* This is supported by the Executive, since he did not recommend the 'solution' PDFs. The Planning Board and BOE supported grandfathering, but that was before the 'solution' PDFs were proposed.

**6. Transferring school capacity from an approved subdivision to an unapproved development in the same cluster.** The Committee unanimously recommended against allowing these transfers. This is supported by the BOE, MCCF, and Council staff.

Alternative:

- *Allow transferring school capacity within a cluster.* This was proposed by the Planning Board.

**7. Use of SFP revenue for any school capacity project in the County.** The Committee unanimously recommended against broadening the use of this revenue; it should only be used on school capacity projects for the cluster where it is collected. Council staff concurs.

Alternative:

- *Let this revenue be used for any school capacity project in the County.* This was proposed by the BOE.

## **II. Policy Area Mobility Review (PAMR) and Local Area Transportation Review (LATR)**

**1. Changes to the PAMR chart.** Councilmembers Knapp and Floreen recommended **Option 6 Modified**. For mitigation requirements of this and other options, see the table below.

### Alternatives:

- *Option 1 – the current PAMR chart.* The County Executive recommended this.
- *Option 3 – the Final Draft PAMR chart.* This was proposed by the Planning Board.
- *Option 5.* Councilmember Elrich recommended this.
- *Option 5 Modified.* Councilmember Berliner proposed this.
- *Option 6.* This was recommended by Council staff and recently by the Chairman.

### **Mitigation Requirements**

<b>Policy Area</b>	<b>Opt. 1 Current Test</b>	<b>Opt. 3 Final Draft Rec.</b>	<b>Opt. 5 Elrich Rec.</b>	<b>Opt. 5 Modified Berliner Rec.</b>	<b>Opt. 6 Chmn &amp; Staff Rec.</b>	<b>Opt. 6 Modified PHED Rec.</b>
Aspen Hill	20%	5%	40%	30%	10%	<b>10%</b>
Bethesda-Chevy Chase	30%	None	60%	40%	None	<b>None</b>
Clarksburg	10%	10%	10%	10%	10%	<b>10%</b>
Cloverly	None	None	None	None	None	<b>None</b>
Damascus	None	None	None	None	None	<b>None</b>
Derwood	20%	None	40%	30%	None	<b>None</b>
Fairland/White Oak	100%	100%	90%	90%	90%	<b>50%</b>
Gaithersburg City	100%	100%	100%	100%	100%	<b>100%</b>
Germantown East	100%	100%	90%	90%	90%	<b>50%</b>
Germantown West	None	None	None	None	None	<b>None</b>
Kensington/Wheaton	10%	None	20%	20%	None	<b>None</b>
Montgomery Village/Airpark	5%	5%	10%	10%	10%	<b>10%</b>
North Bethesda	35%	20%	70%	45%	30%	<b>30%</b>
North Potomac	100%	100%	40%	40%	40%	<b>40%</b>
Olney	10%	None	20%	20%	None	<b>None</b>
Potomac	40%	40%	80%	50%	70%	<b>50%</b>
R&D Village	40%	40%	50%	50%	50%	<b>50%</b>
Rockville City	25%	20%	50%	35%	40%	<b>40%</b>
Silver Spring/Takoma Park	10%	None	20%	20%	None	<b>None</b>
Rural East	None	None	None	None	None	<b>None</b>
Rural West	None	None	None	None	None	<b>None</b>

**2. Transportation Mitigation Payment (TMP).** Councilmembers Elrich and Floreen recommended setting the minimum TMP rate at \$11,000 per peak-hour trip.

### Alternative:

- *Set the rate lower than \$11,000.* Councilmember Knapp recommended this.

**3. Alternative Review Procedure (ARP).** Councilmembers Knapp and Floreen recommended the ARP which the Planning Board proposed, except that each development

must be within ½ mile of transit service with at least a 10-minute headway, and the \$5,500/trip payment can be used for any transportation (rather than only transit) improvement.

Alternatives:

- *Do not include this ARP.* Councilmember Elrich recommended this.
- *Restrict the ARP to Metro Station Policy Areas and the Germantown Town Center Policy Area, let it be used by any type of development in those areas, and apply the entire \$8,750/trip payment to transit improvements.* This was recommended by Council staff.

**4. Relationship of LATR improvements to PAMR mitigation.** Council staff and the Planning Board Chair recommended that intersection improvements required as a result of LATR also be credited toward PAMR mitigation at the value of the TMP: \$11,000/vehicle trip.

Alternative:

- *Do not include this provision.*

**5. Counting years for PAMR and LATR.** Council staff recommended that a project adding transportation capacity can be counted under these tests if it is funded for completion in the CIP or CTP within the next 6 years.

Alternative:

- *Continue to count only those projects that are funded for completion -- do not include this provision.*

### III. Policy Area Boundaries

**1. Rockville City and Gaithersburg City Policy Areas.** The Committee unanimously recommended adjusting their boundaries to more closely match municipal boundaries, and consequently adjusting the boundaries of abutting policy areas.

Alternative:

- *Leave these boundaries as they are.*

**2. Twinbrook and Germantown Town Center Policy Areas.** The Committee unanimously recommended adjusting their boundaries to match the boundaries recommended in recently adopted sector plans.

Alternative:

- *Leave these boundaries as they are.*

**3. White Flint Policy Area.** Councilmembers Knapp and Floreen recommended adjusting its boundaries to match the sector plan boundary. This was recommended by the Planning Board and Council staff.

Alternative:

- *Return the boundary to that which existed before 2007, and revisit the issue in a later Growth Policy amendment along with or after adoption of the White Flint Sector Plan.* This was recommended by the Executive.

**4. Combining the Germantown East and Germantown West Policy Areas.** The Committee unanimously recommended not combining these two areas into a unified Germantown Policy Area.

Alternative:

- *Combine these policy areas into a unified Germantown Policy Area.* This was recommended by Council staff.

**5. Life Science Center Policy Area.** The Committee unanimously agreed that a new Life Science Center Policy Area with a 1,600 CLV standard should not be created as part of the 2009-2011 Growth Policy. Council staff concurs.

Alternative:

- *Approve this new policy area.* This was recommended by the Planning Board.

#### **IV. Other Transportation Issues**

**1. Adjusting residential trip generation rates in Metro Station Policy Areas.** The Committee unanimously agreed that this should be decided by the Planning Board in its **PAMR/LATR Guidelines**.

Alternative:

- *Establish the residential trip generation rates in the Growth Policy resolution.*

**2. Transfer of trips.** The Committee unanimously recommended that trip capacity from an approved subdivision in a policy area should not be sold to a proposed subdivision in a Metro Station Policy Area in the larger policy area.

Alternative:

- *Approve the transfer of trips.* This was recommended by the Planning Board.

**3. Hospital exemption.** The Committee unanimously recommended not exempting hospitals from the PAMR and LATR tests.

Alternative:

- *Exempt hospitals from PAMR and LATR.*

**Summary of School Test for FY 2011**  
Based on Superintendent's Recommended FY 2011–2016 CIP  
Would Be Effective July 1, 2010

School Test Level	Description	Cluster Outcomes by Level		
		Elementary Inadequate	Middle Inadequate	High Inadequate
<u>Clusters over 105% utilization</u>  School facility payment required in inadequate clusters to proceed.	5-year test Effective July 1, 2010  Test year 2015-16	B-CC (108.6%) Northwest (119.1%) Northwood (118.8%) Paint Branch (105.5%) Quince Orchard (111.7%) Rockville (114.2%)	B-CC (114.9%) Richard Montgomery (117.0%) Northwest (105.6%) Whitman (107.8%)	Wootton (107.8%)
<u>Clusters over 110% utilization</u>  School facility payment required in inadequate clusters to proceed.	5-year test Effective July 1, 2010  Test year 2015-16	Northwest (119.1%) Northwood (118.8%) Quince Orchard (111.7%) Rockville (114.2%)	B-CC (114.9%) Richard Montgomery (117.0%)	
<u>Clusters over 120% utilization</u>  Moratorium required in clusters that are inadequate.	5-year test Effective July 1, 2010  Test year 2015-16	Richard Montgomery (126.5%)		

**PRELIMINARY - Prepared October 30, 2009**  
**FY 2011 Growth Policy School Test: Cluster Percent Utilizations in 2015**

Reflects Superintendent's Recommended FY 2011-2016 Capital Improvements Program (CIP)  
 Would be Effective July 1, 2010

**Elementary School Enrollment**

Cluster Area	Projected August 2015 Enrollment	100% MCPS Program Capacity With Supt. Recommended FY11-16 CIP	Percent Utilization in 2015	Growth Policy Test Result Capacity is:	Cluster status?
<b>B- CC</b>	<b>3,606</b>	<b>3,321</b>	<b>108.6%</b>	<b>Inadequate?</b>	<b>School Facility Payment?</b>
Blair	4,061	4,368	93.0%	Adequate	Open
Blake	2,516	2,508	100.3%	Adequate	Open
Churchill	2,636	2,728	96.6%	Adequate	Open
Clarksburg	3,772	3,919	96.2%	Adequate	Open
Damascus	1,920	2,075	92.5%	Adequate	Open
Einstein	2,625	2,723	96.4%	Adequate	Open
Gaithersburg	3,879	3,898	99.5%	Adequate	Open
Walter Johnson	3,728	3,706	100.6%	Adequate	Open
Kennedy	2,650	2,858	92.7%	Adequate	Open
Magruder	2,577	2,635	97.8%	Adequate	Open
<b>R. Montgomery</b>	<b>2,697</b>	<b>2,132</b>	<b>126.5%</b>	<b>Inadequate</b>	<b>Moratorium</b>
<b>Northwest</b>	<b>4,297</b>	<b>3,609</b>	<b>119.1%</b>	<b>Inadequate</b>	<b>School Facility Payment</b>
<b>Northwood</b>	<b>3,067</b>	<b>2,581</b>	<b>118.8%</b>	<b>Inadequate</b>	<b>School Facility Payment</b>
<b>Paint Branch</b>	<b>2,441</b>	<b>2,313</b>	<b>105.5%</b>	<b>Inadequate?</b>	<b>School Facility Payment?</b>
Poolesville	522	755	69.1%	Adequate	Open
<b>Quince Orchard</b>	<b>2,992</b>	<b>2,679</b>	<b>111.7%</b>	<b>Inadequate</b>	<b>School Facility Payment</b>
<b>Rockville</b>	<b>2,531</b>	<b>2,216</b>	<b>114.2%</b>	<b>Inadequate</b>	<b>School Facility Payment</b>
Seneca Valley	2,262	2,173	104.1%	Adequate	Open
Sherwood	2,050	2,408	85.1%	Adequate	Open
Springbrook	3,027	3,188	94.9%	Adequate	Open
Watkins Mill	2,629	2,769	94.9%	Adequate	Open
Wheaton	2,863	2,792	102.5%	Adequate	Open
Whitman	2,464	2,367	104.1%	Adequate	Open
Wootton	2,922	3,118	93.7%	Adequate	Open

**Middle School Enrollment**

Cluster Area	Projected August 2015 Enrollment	100% MCPS Program Capacity With Supt. Recommended FY11-16 CIP	Percent Utilization in 2015	Growth Policy Test Result Capacity is:	Cluster Status?
<b>B- CC</b>	<b>1,192</b>	<b>1,037</b>	<b>114.9%</b>	<b>Inadequate</b>	<b>School Facility Payment</b>
Blair	2,111	2,266	93.2%	Adequate	Open
Blake	1,189	1,329	89.5%	Adequate	Open
Churchill	1,433	1,609	89.1%	Adequate	Open
Clarksburg	1,547	2,113	73.2%	Adequate	Open
Damascus	865	954	90.7%	Adequate	Open
Einstein	1,317	1,460	90.2%	Adequate	Open
Gaithersburg	1,638	1,751	93.5%	Adequate	Open
Walter Johnson	1,760	1,852	95.0%	Adequate	Open
Kennedy	1,201	1,356	88.6%	Adequate	Open
Magruder	1,155	1,616	71.5%	Adequate	Open
<b>R. Montgomery</b>	<b>1,154</b>	<b>986</b>	<b>117.0%</b>	<b>Inadequate</b>	<b>School Facility Payment</b>
<b>Northwest</b>	<b>2,079</b>	<b>1,968</b>	<b>105.6%</b>	<b>Inadequate?</b>	<b>School Facility Payment?</b>
Northwood	1,152	1,362	84.6%	Adequate	Open
Paint Branch	1,248	1,271	98.2%	Adequate	Open
Poolesville	238	480	49.6%	Adequate	Open
Quince Orchard	1,389	1,648	84.3%	Adequate	Open
Rockville	980	981	99.9%	Adequate	Open
Seneca Valley	1,201	1,464	82.0%	Adequate	Open
Sherwood	1,127	1,476	76.4%	Adequate	Open
Springbrook	1,162	1,230	94.5%	Adequate	Open
Watkins Mill	1,232	1,251	98.5%	Adequate	Open
Wheaton	1,549	1,546	94.1%	Adequate	Open
<b>Whitman</b>	<b>1,347</b>	<b>1,250</b>	<b>107.8%</b>	<b>Inadequate?</b>	<b>School Facility Payment?</b>
Wootton	1,516	1,606	94.4%	Adequate	Open

**High School Enrollment**

Cluster Area	Projected August 2015 Enrollment	100% MCPS Program Capacity With Supt. Recommended FY11-16 CIP	Percent Utilization in 2015	Growth Policy Test Result Capacity is:	Cluster status?
<b>B-CC</b>	<b>1,723</b>	<b>1,656</b>	<b>104.0%</b>	<b>Adequate</b>	<b>Open</b>
Blair	2,515	2,839	88.6%	Adequate	Open
Blake	1,787	1,724	103.7%	Adequate	Open
Churchill	1,907	1,928	98.9%	Adequate	Open
Clarksburg	1,979	1,971	100.4%	Adequate	Open
Damascus	1,310	1,532	85.5%	Adequate	Open
Einstein	1,593	1,570	101.5%	Adequate	Open
Gaithersburg	1,948	2,284	85.3%	Adequate	Open
Walter Johnson	2,173	2,230	97.4%	Adequate	Open
Kennedy	1,557	1,847	84.3%	Adequate	Open
Magruder	1,678	1,919	87.4%	Adequate	Open
<b>R. Montgomery</b>	<b>1,846</b>	<b>1,957</b>	<b>94.3%</b>	<b>Adequate</b>	<b>Open</b>
<b>Northwest</b>	<b>2,200</b>	<b>2,151</b>	<b>102.3%</b>	<b>Adequate</b>	<b>Open</b>
Northwood	1,439	1,481	97.2%	Adequate	Open
Paint Branch	1,801	1,899	94.8%	Adequate	Open
Poolesville	1,087	1,107	98.2%	Adequate	Open
Quince Orchard	1,767	1,741	101.5%	Adequate	Open
Rockville	1,334	1,539	86.7%	Adequate	Open
Seneca Valley	1,334	1,491	89.5%	Adequate	Open
Sherwood	1,789	2,004	89.3%	Adequate	Open
Springbrook	1,600	2,090	76.6%	Adequate	Open
Watkins Mill	1,615	1,885	85.7%	Adequate	Open
Wheaton	1,284	1,416	90.7%	Adequate	Open
Whitman	1,830	1,873	97.7%	Adequate	Open
<b>Wootton</b>	<b>2,235</b>	<b>2,073</b>	<b>107.8%</b>	<b>Inadequate?</b>	<b>School Facility Payment?</b>



**MEMORANDUM**

October 29, 2009

TO: Glenn Orlin, Deputy Council Staff Director  
FROM: Duchy Trachtenberg, At-Large Councilmember  
RE: Annual Growth Policy



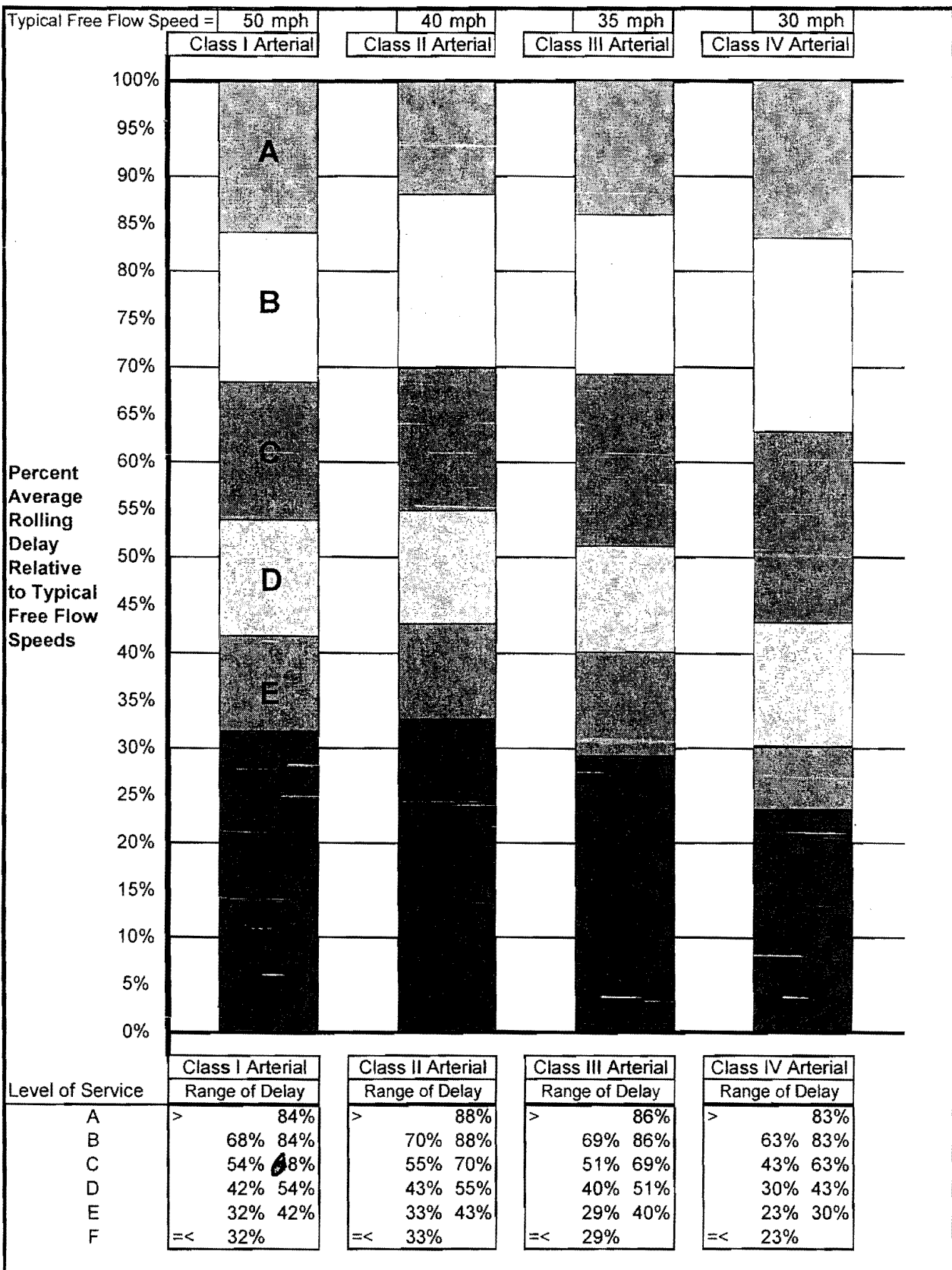
As a follow up to the Council's worksession on the AGP, I would find it helpful to have additional information regarding PAMR. We are assuming that the modifications to PAMR will be in effect for an interim period only—lasting only until the Council acts on the recommendations of the County Executive's work group.

Do we have any way of comparing how many projects would be affected by the various PAMR proposals?

- CE recommendation—Option 1 current PAMR
- PHED recommendation—Option 6 modified
- Berliner recommendation—Option 5 modified
- Elrich recommendation—Option 5

C: Councilmember Knapp

Effect of Optional PAMR Mitigation Requirements by Policy Area (Percentage of New Site Trips & Estimated Number of Mitigated PAMR Trips)												
PAMR Policy Area	Option #1- Current		Option #3- Final Draft		Option #5- Elrich Rec.		Option #5 Mod-Berliner		Option #6- Chmn+ Staff Rec.		Option #8 Mod-PHED Rec.	
	Required % of New Site Trips	No. of Mitigated Trips	Required % of New Site Trips	No. of Mitigated Trips	Required % of New Site Trips	No. of Mitigated Trips	Required % of New Site Trips	No. of Mitigated Trips	Required % of New Site Trips	No. of Mitigated Trips	Required % of New Site Trips	No. of Mitigated Trips
Aspen Hill	20%	49	5%	12	40%	97	30%	73	10%	24	10%	24
Beth/Ch Ch	30%	488	0%	0	60%	977	40%	651	0%	0	0%	0
Clarksburg	10%	0	10%	0	10%	0	10%	0	10%	0	10%	0
Cloverly	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
Damascus	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
Derwood	20%	37	0%	0	40%	74	30%	55	0%	0	0%	0
Fairland/WO	100%	176	100%	176	90%	158	90%	158	90%	158	50%	88
Gaith City	100%	n/a	100%	n/a	100%	n/a	100%	n/a	100%	n/a	100%	n/a
Germ East	100%	0	100%	0	90%	0	90%	0	90%	0	50%	0
Germ. West	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
Kens/Wheaton	10%	24	0%	0	20%	48	20%	48	0%	0	0%	0
Mont VII/Airprk	5%	10	5%	0	10%	20	10%	20	10%	20	10%	20
North Beth	35%	606	20%	346	70%	1,211	45%	779	30%	519	30%	519
North Potomac	100%	0	100%	0	40%	0	40%	0	40%	0	40%	0
Olney	10%	2	0%	0	20%	5	20%	5	0%	0	0%	0
Potomac	40%	190	40%	190	80%	381	50%	238	70%	333	50%	238
Rockville City	25%	n/a	20%	n/a	50%	n/a	35%	n/a	40%	n/a	40%	n/a
R&D Village	40%	22	40%	22	50%	28	50%	28	50%	28	50%	28
Rural East	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
Rural West	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0
Sil Spr/Tak Park	10%	51	0%	0	20%	102	20%	102	0%	0	0%	0
Total \$ at \$11,000 / PAMR Trip	Total = Mil. \$ =	1,656 18.21	Total = Mil. \$ =	747 8.33	Total = Mil. \$ =	3,101 34.11	Total = Mil. \$ =	2,157 23.73	Total = Mil. \$ =	1,083 11.92	Total = Mil. \$ =	918 10.09



**MEMORANDUM**

November 2, 2009

TO: County Council

FROM: <sup>Go</sup> Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Addendum:** 2009-2011 Growth Policy – Rickman property

On November 2 the Council received a letter from Steven Robins, representing William A. Rickman and LJF Real Estate Advisors, LLC (©1-5). Mr. Robins notes that the Final Draft Gaithersburg West Master Plan now under review by the PHED Committee recommends that the 13.3-acre “Rickman property” be included entirely within the R&D Village Policy Area. Currently this property, which is situated between Shady Grove and Travilah Roads, is split between the R&D Village and North Potomac Policy Areas. As noted when their respective sector plans recommended boundary changes to the Twinbrook Metro Station and Germantown Town Center Policy Areas, such policy area boundary changes can only be done as part of a Growth Policy resolution, which is why this addendum is before the Council now.

*Council staff concurs with the Planning Board’s recommendation in the Final Draft Gaithersburg West Master Plan to include the entire property within R&D Village Policy Area. The property has consistent zoning throughout, and it is more associated with the commercial development in the R&D Village than the largely residential development in North Potomac.*

Alternative:

- Do not include it now; take up the matter when the Growth Policy taken up in the future: either when a new Policy Area Transportation Review is proposed as an amendment, or the next scheduled comprehensive update to the Growth Policy (currently, Fall 2011 – or Fall, 2012 if Bill 38-09 is approved).



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November 1, 2009

***BY HAND DELIVERY***

The Honorable Phil Andrews, Council President  
and Members of the Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: **Montgomery County Growth Policy**

Dear President Andrews and Members of the Montgomery County Council:

Our firm represents William M. Rickman, Jr. and LJF Real Estate Advisors, LLC, regarding a 13.3 acre property located off of Shady Grove Road and Travilah Road, better known as the "Rickman property." The property is located in the area within the draft Gaithersburg West Master Plan referred to as the LSC South District and is presently zoned R & D. A map depicting the property is attached to this correspondence. By way of background, the Gaithersburg West Master Plan recommends that the property retain its R & D zoning designation and also contains language that provides for an opportunity for multi-family residential development through the use of the Planned Development, PD-22 zone. We strongly support this recommendation. The purpose of this letter is to comment on one aspect of the pending Growth Policy that relates to the Rickman property and the Gaithersburg West Master Plan – the placement of the property in the R & D Policy Area.

The Master Plan specifically recommends including the Rickman property in the R & D Policy Area (*see* page 67 of the Master Plan attached to this correspondence). The Rickman Property, which until the Gaithersburg West master planning efforts, was part of the Potomac Subregion Master Plan and was located partially in the North Potomac Policy Area and partially in the R & D Policy Area (the MNCPPC traffic zone maps split the property between the two Policy Areas). Now that the boundaries of the Gaithersburg West Master Plan have been drawn to include the Rickman Property as part of that plan, a

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recommendation is included within the Plan to locate the property fully within the R & D Policy Area. The land use recommendations for the Rickman property are more consistent with the development activities in the Gaithersburg West Master Plan. The Rickman Property also is the only property within the master planning area that is located outside of the R & D Policy Area. Thus, M-NCPPC Technical Staff and the Planning Board included within the Gaithersburg West Master Plan a recommendation that places the Rickman property within the R & D Policy Area.

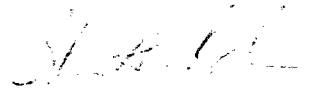
At the October 6, 2009 PHED Committee meeting, the Committee was briefed by Council Staff on certain Policy Area boundary modifications including the creation of the LSC Policy Area and the inclusion of the Rickman property in the R & D Policy Area. The majority of the discussion was on the LSC Policy Area and the PHED Committee deferred action on that decision pending the Committee's worksession on the Gaithersburg West Master Plan. The full Council held its first worksession on the Growth Policy; however, the recommendation to include the Rickman property within the R & D Policy Area was not discussed.

We would respectfully request that the Council address this Policy Area recommendation as part of the Growth Policy. We want to make certain that this recommendation regarding the appropriate policy area be implemented through the Growth Policy. We also would request that the Council refrain from increasing the PAMR mitigation requirement for the R & D Policy Area (assuming PAMR remains in the Growth Policy as a transportation test). The Rickman Property essentially is the only property located in the LSC South district that is recommended for development. The owner of the property and members of the surrounding community are eager to see this property developed. Increasing the PAMR mitigation requirements could negatively impact this effort.

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Thank you very much for your consideration of the matters raised in this  
correspondence.

Sincerely,



Steven A. Robins

cc: Dr. Glenn Orlin  
Eric Graye  
Dan Hardy  
William M. Rickman, Jr.  
Lewis Flashenberg

**RICKMAN PROPERTY**

[Yellow]	Residential, One-Family
[Brown]	Multiple-Family, High Density
[Blue]	Mixed-Use Planned Residential
[Light Blue]	Mixed-Use Neighborhood Zone
[Dark Blue]	Office Building, Moderate Intensity
[Orange]	General Commercial
[Pink]	Commercial, Residential
[Light Green]	Commercial, Transitional
[Light Orange]	Limited Commercial
[Green]	Hotel-Motel
[Dark Grey]	Research and Development
[White]	Life Sciences Center
[Yellow]	Residential, Townhouse
[Grey]	Planned Development

Scale: 0 to 1600'

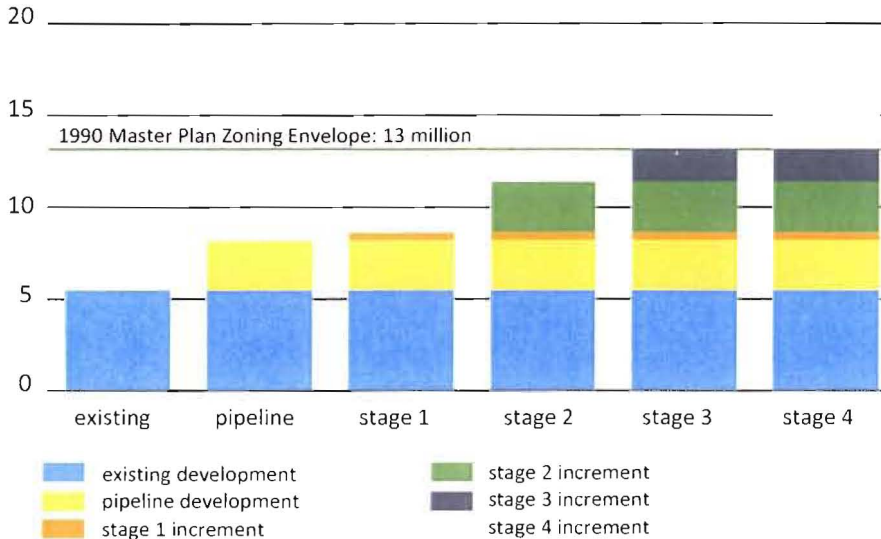
Legend:

- Current Corridor Cities Transitway and Stations (Black dashed line with black dots)
- Proposed Corridor Cities Transitway and Stations (Red dotted line with red dots)



## staging of commercial development

millions of  
square feet



## stages of development and requirements at each stage

Before Stage 1 begins, all of the following must occur:

- Approve and adopt the Sectional Map Amendment.
- Fund and begin operating the Greater Shady Grove Transportation Management District (TMD).
- Create a new LSC Policy Area with urban standards and characteristics.
- Include the entirety of the Rickman property on Travilah Road in the R&D Policy Area.
- Document the baseline of non-driver mode share through monitoring and traffic counts.

**Stage 1** New Commercial Development Allowed: 400,000 square feet  
Total Commercial Development Allowed: 8.6 million square feet

Before Stage 2 begins, all of the following must occur:

- Fully fund construction of the CCT, including the proposed realignment through the LSC, from the Shady Grove Metro Station to Metropolitan Grove in the County's six-year CIP or the State CTP.
- Fully fund relocation of the Public Safety Training Academy from LSC West to a new site.
- Fund the LSC Loop trail in the County's six-year CIP and/or through developer contributions as part of plan approvals.
- Achieve a five percent increase over the baseline for the non-driver mode share.

**Stage 2** New Commercial Development Allowed: 2.8 million square feet  
Total Commercial Development Allowed: 11.4 million square feet